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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,345	06/02/2000	Keisei Yamamuro	FUR0009-US	6061
7055	7590	06/28/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,345

Applicant(s)

YAMAMURO ET AL.

Examiner

Prenell P. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 26-33 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-25, 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 17-21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 17, Applicant is claiming a "means responsive to a receiving device for a digital broadcast system, that determines, before attempting to restore contents, whether the contents are restorable based on information on the type of the contents, and when not restorable, performs a restoration process on the contents after acquiring a program based on acquisition location information," which is a single means claim as defined below;

2164.08(a) Single Means Claim

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim, which covered every conceivable means for

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achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 10-16 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyakutake.

Regarding claims 1-3, 5-8, 10-16 and 22-25, Hyakutake discloses (Abstract, Fig. 20, -26, col. 4, line 25 thru col. 5, line 15, col. 5, line 65 thru col. 6, line 67, col. 7, line 1 thru col. 8, line 40, col. 7, line 1-21, col. 8, line 17-60, col. 9, line 13 thru col. 13, line 47) a broadcast (television broadcasting station) user system that broadcast programs that contains content information that is multiplexed and broadcast, data formats are broadcast as content type and information type, content messages and group messages are transmitted sequentially, whereby the type of

data is determined with regards to its associated identifier, (col. 17, line 13-65) various types of data files are broadcast along with content type and information type which includes a URL for location purpose, information under-goes analysis, wherein a decision is made whether or not data can be displayed (decrypted), and if data can not be displayed, then the data is stored in memory (change reconstruction process if data is not displayed), wherein if a menu element (encryption/decryption) is not selected, then processing terminates, and (Fig. 32) when the browser display starts, the processing determines whether or not there is a pull element (decryption based on encryption) for the displayed content body, and if there is no pull element, nothing happens. On the other hand, if there is a pull element, the processing determines whether or not it is necessary to establish a TCP/IP connection by referencing the URL of the pull element

Claims 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ukelson.

Regarding claims 17-21, Ukelson discloses (Abstract, Fig. 1, 2a, 2b, 4, 5a, col. 3, line 40 thru col. 4, line 20, col. 6, line 10-60, col. 7, col. 6, line 66 thru col. 7, line 45, col. 9, line 8-67) communicating various data sources along with a variety of data types (types of contents) and translating different data types to another data type for viewing, wherein the architecture includes performing a pre-processing function before data stream reaches destination, web browser provides a capability for decrypting information in encrypted format to allow access to compressed media types such as CD ROMs, satellite, cable and DVD (digital broadcast), a micro web server (MWS) allows translation of different protocols to HTTP and different types to HTML(digital data), which would allow display of document, MWS pre-processes data stream by analyzing incoming data to determine whether data stream is compressed and whether pages

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(data) can be viewed, and then the MWS modifies the data which includes decompressing it with and appropriate decompression algorithms that are stored in the MWS, and MWS accepts URL from browser and determines what media the source is coming from (data type) and then continues to perform pre-processing, downloading of information from the Internet as requested by user is utilized, and include in the pre-processing function the MWS allows mixed (multiplexed) media, and MWS checks incoming data with a table (necessary conditions) of non-authorized data for viewing and depending on the results continues with the pre-processing of data, (col. 7, line 4-18) for security purpose a list of data that is allowable and a list of data that is not allowable is stored in the MWS (stored based on data type), MWS downloads data associated with each URL (acquisition location information) and matches them with the URL of user web site when URL tables are searched, (col. 8, line 4-18) and pre-established criteria for gaining (acquisition information) access to hyper-links (algorithms/programs).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyakutake in view of Broadwin et al.

Regarding claim 4, as indicated above, Hyakutake a broadcast (television broadcasting station) user system that broadcast programs that contains content information that is multiplexed and broadcast, data formats are broadcast as content type and information type, content messages and group messages are transmitted sequentially, whereby the type of data is determined with regards to its associated identifier, various types of data files are broadcast along with content type and information type. Hyakutake is silent on decoding repeatedly transmitting data that is associated with a selected group of data. In a web-link environment that communicates and decodes data, Broadwin discloses (Abstract, col. 8, line 64-67, col. 9, line 51 thru col. 10, line 67) user makes selection options wherein the selection options are linked to a set of video imagers that are displayed on laptop via execution of decoder after data is decoded, broadcasting data (images) continuously, whereby user selects data from a plurality of data (group) and decodes and displays resultant data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement decoding only data selected as taught by Broadwin with the teachings of Hyakutake's broadcast decompression system for the purpose of managing data throughput.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyakutake in view of Yamaguchi et al.

Regarding claim 9, as indicated above, Hyakutake a broadcast (television broadcasting station) user system that broadcast programs that contains content information that is multiplexed and broadcast, data formats are broadcast as content type and information type, content messages and group messages are transmitted sequentially, whereby the type of data is determined with

regards to its associated identifier, various types of data files are broadcast along with content type and information type. Hyakutake is silent on plurality of pieces of information on the types of contents for a plurality of contents transmitted. In analogous art, Yamaguchi discloses (Abstract, Fig. 9, Fig. 47, col. 11-12, col. 14, line 29-36, col. 22, line 25-43, col. 29, line 23 thru col. 31, line 25) processing data in a broadcast system that broadcast a plurality of various types of audio/video data that includes types of content, types of data information wherein as associated with a data processing method, a decision is performed on whether to perform decoding on data, and a deciding means associated with a decoder, various encoded pieces of information is received and in a transmission control section whereby decoding of various pieces of received picture information is displayed. Therefore, it would have been obvious to one of ordinary skill in the art to be motivated to implement decoding pieces of information as taught by Yamaguchi with the teachings of Hyakutake for the purpose of further analyzing data prior to reconstructing the same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

June 23, 2005



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

6/27/05